

57-23-8 Enforcement powers of division -- Cease and desist orders.

- (1)
- (a) If the director has reason to believe that any person has been or is engaging in conduct violating this chapter, or has violated any lawful order or rule of the division, the director shall issue and serve upon the person a cease and desist order. The director may also order the person to take whatever affirmative actions the director determines to be necessary to carry out the purposes of this chapter.
 - (b) The person served with an order under Subsection (1)(a) may request an adjudicative proceeding within 10 days after receiving the order. The cease and desist order remains in effect pending the hearing.
 - (c) The division shall follow the procedures and requirements of Title 63G, Chapter 4, Administrative Procedures Act, if the person served requests a hearing.
- (2)
- (a) After the hearing the director may issue a final order making the cease and desist order permanent if the director finds there has been a violation of this chapter.
 - (b) If no hearing is requested and the person served does not obey the director's order, the director may file suit in the name of the Department of Commerce and the Division of Real Estate to enjoin the person from violating this chapter. The action shall be filed in the district court in the county in which the conduct occurred, where the person served with the cease and desist order either resides or carries on business.
- (3) The remedies and action provided in this section are not exclusive but are in addition to any other remedies or actions available under Section 57-23-10.

Amended by Chapter 382, 2008 General Session